

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

CR. NO. 19-CR-4440 MV

NICHOLOUS PHILLIPS,

**RESPONSE TO MOTION IN LIMINE TO EXCLUDE ANY
REFERENCE TO PENALTIES OR SENTENCING BEFORE THE JURY**

Defendant Nicholous Phillips (Mr. Phillips), by and through counsel, Romero & Winder, PC (Joe M. Romero, Jr.), responds as set forth below to the government's Motion *In Limine* to Exclude any Reference to Penalties or Sentencing Before the Jury (Doc. 43).

Undersigned counsel is aware of the general prohibition against commenting or otherwise informing the jury of Mr. Phillips' potential sentence should he be found guilty of either or both counts of the pending Superseding Indictment. Undersigned counsel intends to comply with such prohibition.

Respectfully Submitted:

By: /s/ Joe M. Romero, Jr.
Joe M. Romero, Jr.
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on the 29th day of June 2020, I filed the foregoing electronically through the CM/ECF system, and served the same to opposing counsel, AUSA Jaymie Roybal

By: /s/ Joe M. Romero, Jr.
Joe M. Romero, Jr.